

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

ERVIN R. HALL, )  
Petitioner, )  
v. ) Case No. 3:17-CV-633-PPS-MGG  
WARDEN, )  
Respondent. )

OPINION AND ORDER

Ervin R. Hall, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in WCC 17-04-304 where a Disciplinary Hearing Officer (DHO) at the Westville Correctional Facility found him guilty of Assault and Battery in violation of B-212 on May 5, 2017. ECF 1 at 1. As a result, Hall was sanctioned with the loss of 45 days earned credit time and was demoted from Credit Class 1 to Credit Class 2. *Id.*

After Hall filed his petition, the finding of guilt and sanctions were vacated. ECF 5-2. The Warden has now filed a motion to dismiss because this case is now moot. ECF 5. Hall did not file a response and the time for doing so has passed. *See N.D. Ind. L. Cr. R. 47-2.* Regardless, the court cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Hall has already won and there is no case left for this court to decide. Accordingly, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary

determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

For these reasons, the motion (ECF 5) is **GRANTED** and the case is **DISMISSED**.

The clerk is **DIRECTED** to close this case.

**SO ORDERED** on January 25, 2018.

/s/ Philip P. Simon  
JUDGE  
UNITED STATES DISTRICT COURT